

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

RECEIVED

ALONZO AUSTIN, Executor for
RUTH H. LEWIS, Estate
Plaintiff(s)

2007 APR 20 P 1:12

DEBRA P. HACKETT, CLK.
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

VS.

CIVIL ACTION NO.

MODERN WOODMEN OF AMERICA, 3:07-CV-138-MHT-WC

et.al,

Defendant(s)

Motion for Summary Judgment by Plaintiff(s) in
response to Motion to Dismiss by Defendant(s)

Plaintiff(s) pursuant to RULE 56 of the Federal Rules of Civil Procedure, Moves the Court to enter Summary Judgment, for the Plaintiff(s), on the grounds that there is no genuine issue as to any material fact, and the Plaintiff(s), is entitled to judgment, as a matter of Law.

IN Support of this Motion, Plaintiff(s), refers to the record in this action, including the Complaint, The Answer to it and Plaintiff(s) attached Affidavit and exhibit's "A" & "B"

by Alonzo Austin, prob.
ALONZO AUSTIN
1321 Oliver-Carlis Rd,
Tuskegee, AL. 36083
Phd (334) 127-5476

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

ALONZO AUSTIN, Executor, for }
RUTH H. LEWIS, Estate }
Plaintiff(s) }

VS.

MODERN WOODMEN OF AMERICA
et al,

Defendant(s)

CIVIL ACTION NO.

3:07-CV-138-MHT-WC

Affidavit in Support of Motion For Summary Judgment.

STATE OF ALABAMA } ss.

COUNTY OF MACON }

ALONZO AUSTIN, who, being first duly sworn
deposes and says:

1. I am ALONZO AUSTIN, and have personal
knowledge of the facts set forth.

This affidavit is submitted in support of the Plaintiff's
Motion for Summary Judgment, for the purpose of showing
that there is in this action no genuine issue as to
any material fact, and that the Plaintiff(s) is entitled
to Judgment as a matter of Law. As issue is
Constitutional in Nature.

1 of 1

2. THE Defendant "Macon County Sheriff" role was to Serve Summons on the "LAW OF AGENCY" as it did on April 10, 1993. And to Arrest AGENT, in order to Fool principal, RUTH H. LEWIS, and AGENT, ALONZO AUSTIN, that this was a Legal and Legitimate under taken by these Actors of the STATE OF ALABAMA, along with the CIVILIANS.

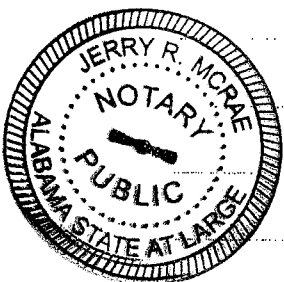
3. please see attached exhibit "A" - the Summons Served on Principal, RUTH H. LEWIS, and exhibit "B" Judgment/Order of Contempt, Arresting AGENT, AUSTIN.

4. IN Conclusion, The Law of Agency, in question For all intense and purpose did not exist as Principal, RUTH H. LEWIS, was made a WARD OF the STATE and AGENT, ALONZO AUSTIN was DEFENDANT IN ALL the Above actions that FLOWED FROM "THE MALICIOUS ABUSE OF PROCESS" initiated by PROBATE JUDGE: ALFONZA MENEFFEE On MARCH 18, 1993, (under Color of State Law) in violation of Statute 26-1-2 subparagraph A+B code of Alabama 1975. and 42 U.S.C. § 1983, with Macon County Sheriff, acting as CO-CONSPIRATOR.

Jerry R. McRae, Notary

Com. Expires 2-28-09

by: Alonzo Austin, Prose
Alonzo Austin Prose



CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a copy of the foregoing Document upon.

Lanier Ford Shaver & Payne PC
P.O. Box 2087
Huntsville, AL 35804-2087

by depositing same in the U.S. mail
postage prepaid on the 9th day of April, 2007

Alonzo Austin, pro.
~~by, Alonzo Austin, pro.~~
ALONZO AUSTIN
1321 Oliver-Carlis Rd.
Tuskegee, AL 36083
Ph # (334) 727-5476

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IN THE PROBATE COURT OF MACON COUNTY, ALABAMA

36083

IN RE: THE CONSERVATORSHIP)
 AND GUARDIANSHIP OF)
 RUTH H. LEWIS, AN)
 INCAPACITATED PERSON)

PETITIONER'S NOTICE OF HEARING

TO: The Honorable Alfonza Menefee
 Probate Judge of Macon County, Alabama

Please take notice that Petitioner, Juanita K. Upshaw, has filed a Petition for Guardianship and Conservatorship in said Court over the estate of Ruth H. Lewis, an incapacitated person and that the 27 day of April, 1993, at 10:00 AM has been set for a hearing on the same in the Probate Court of Macon County, Tuskegee, Alabama.

DONE THIS 18th DAY OF March, 1993.

Juanita K. Upshaw
 JUANITA K. UPSHAW, Petitioner

Deborah Hill Biggers
 DEBORAH HILL BIGGERS
 Attorney For Petitioner

113 East Northside
 Tuskegee, AL 36083

PH: (205) 727-0092
 FAX (205) 727-7117

RECEIVED
 IN SHERIFF'S OFFICE

APR. 6. 1993

GILBERT DAWSON, Sheriff
 MACON COUNTY
 Tuskegee, Alabama

CERTIFICATE OF SERVICE

I, the undersigned as Attorney of Record for said Petitioner, have this 18th day of March, 1993 forwarded a copy of this notice with a copy of the Petition and other pleadings attached, to all parties of interest, including Ruth H. Lewis, by first class mail, properly addressed with the sufficient postage affixed.

DEBORAH HILL BIGGERS
 Attorney At Law

OR

I certify that I personally delivered a copy of this Notice with a copy of the Petition and other Pleadings attached to Ruth H. Lewis at 1401 Martin Luther King Drive, Tuskegee, Alabama 36083 on the 18th day of April, 1993.

Deborah Hill Biggers
 SERVER'S SIGNATURE

Exhibit

From
 the
 file
 of
 Jones
 &
 Executor
 For
 Cross & Long
 Total

IN THE PROBATE COURT OF MACON COUNTY, ALABAMA

IN RE: The Conservatorship and)
Guardianship of Ruth H.)
Lewis, an Incapacitated)
Person.)

*From
file of*

JUDGMENT/ORDER OF CONTEMPT

On the 5th day of August, 1993, Mr. Alonzo Austin was served with the second Order of this Court, to appear before 4:30 p.m. on Friday, August 6, 1993, to bring or file with this Court all papers, documents, keys, evidence of the transfer of title of the vehicle of Ruth H. Lewis, from Mr. Austin, back to the Estate of Ruth H. Lewis and all other personal property of Ruth H. Lewis in his possession.

*Alonzo Austin
Executor
for
Ruth H. Lewis
Estate*

Mr. Austin was also fined Twenty & 00/100 Dollars (\$20.00), and instructed to pay said fine by the August 6, 1993 deadline. Alonzo Austin has intentionally failed to appear to file the documents described above and has failed to pay the Twenty & 00/00 Dollars (\$20.00) fine by the August 6, 1993 deadline, nor has he presented any reasons for his failure to comply.

THEREFORE, it is hereby ORDERED that the Sheriff or his deputy shall immediately arrest Alonzo Austin, who resides at Rte. 3, Box 365, Tuskegee, Alabama 36083, and imprison him in the Macon County Jail for a period of twenty-four (24) hours, for Contempt of this Court's Orders of July 22, 1993 and August 4, 1993, pursuant to § 12-13-9, Code of Alabama.

DONE THIS 7th DAY OF Sept, 1993.

Alfonza Menejee
ALFONZA MENEJEE

Probate Judge of Macon County

CERTIFICATE OF EXECUTION

I executed this warrant by arresting Alonzo Austin on this date 09-, 1993, at 8:13 o' Clock P m., and as directed, took him immediately to the Macon County Jail, to be imprisoned for a period of twenty-four (24) hours for Contempt of Court.

Samuel Peterson
OFFICER'S SIGNATURE

ALONZO AUSTIN'S ADDRESS

Rte. 3, Box 365
Tuskegee, Alabama 36083